

**BOARD OF PSYCHOLOGY**

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**BOARD MEETING MINUTES**

**Horton Grand Hotel  
311 Island Avenue  
San Diego, CA 92101  
Regal C Room  
(619) 544-1886**

**Friday, August 13, 2004**

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 1:00 p.m. A quorum was present and due notice had been sent to all interested parties.

**Members Present:**

Jacqueline Horn, Ph.D., President  
William Thomas, Ph.D., Vice-President  
Howard Adelman, Ph.D.  
Sylvia Johnson  
James McGhee  
Myra Scott Reifman  
Ronald Ruff, Ph.D.  
William Lew Tan

**Others Present:**

Jeffrey Thomas, Assistant Executive Officer  
Laura Freedman, Legal Counsel  
Kathy Bradbury, Administrative Services Coordinator  
Kathi Burns, Enforcement/Probation Coordinator  
Karen Johnson, Licensing/Registration Coordinator

**Public Present:**

Linda Bortell, Ph.D., Los Angeles County Psychological Association  
Linda Taylor, Ph.D., University of California, Los Angeles Department of Psychology  
B.J. Combs, MCEP Accrediting Agency  
Charles Faltz, Ph.D., California Psychological Association  
Patricia Rose, Ph.D., San Diego Psychological Association

**Agenda Item #1 - Discussion and Presentation Regarding Enforcement Issues by  
Representatives from the Health Quality Enforcement Unit of the Office of the  
Attorney General**

Assistant Attorney General Carlos Ramirez and Deputy Attorney General Robert Miller made a presentation to the board regarding enforcement issues. Information was provided and questions were answered regarding stipulated proposed decisions, Administrative Law Judges' proposed decisions, and the Deputy Attorney General memos that accompany stipulated proposed decisions, and their purpose and content.

## **Agenda Item #2 – Committee Meetings**

The Enforcement Committee, Examination Committee and Continuing Education Committee met to discuss and formulate recommendations to the board.

## **Agenda Item #3 – Committee Meetings**

The Consumer Education Committee, Credentials Committee and Legislation Committee met to discuss and formulate recommendations to the board.

## **Saturday, August 14, 2004**

The open session meeting was called to order by the President, Jacqueline Horn, Ph.D., at 8:30 a.m. A quorum was present and due notice had been sent to all interested parties.

### **Members Present:**

Jacqueline Horn, Ph.D., President  
William Thomas, Ph.D., Vice-President  
Howard Adelman, Ph.D.  
Sylvia Johnson  
James McGhee  
Myra Scott Reifman  
Ronald Ruff, Ph.D.  
William Lew Tan

### **Others Present:**

Thomas O'Connor, Executive Officer  
Jeffrey Thomas, Assistant Executive Officer  
Laura Freedman, Legal Counsel  
Kathy Bradbury, Administrative Services Coordinator  
Kathi Burns, Enforcement/Probation Coordinator  
Karen Johnson, Licensing/Registration Coordinator  
Tracy Montez, Ph.D., Chief, Office of Examination Resources

### **Public Present:**

Linda Bortell, Ph.D., Los Angeles County Psychological Association  
Linda Taylor, Ph.D., University of California, Los Angeles Department of Psychology  
B.J. Combs, MCEP Accrediting Agency  
Charles Faltz, Ph.D., California Psychological Association  
Patricia Rose, Ph.D., San Diego Psychological Association  
Allison Parelman, Ph.D., Los Angeles Society of Clinical Psychologists  
Collette Galvez, Center for Public Interest Law

## **Agenda Item # 6 – Approval of May 7 & 8, 2004, Open Session Minutes**

It was M(Thomas)/S(McGhee)/C to approve the open session minutes.

VOTE: 8 Ayes

## **Agenda Item # 7 - President's Report**

### **a) Committee Assignments**

Dr. Horn announced the following committee assignments:

#### Credentials Committee

Dr. Graff – Chair  
Dr. Adelman  
Dr. Ruff  
Mr. Tan

#### Examination Committee

Dr. Ruff – Chair  
Dr. Thomas

#### Enforcement Committee

Ms. Johnson – Chair  
Dr. Graff  
Ms. Reifman  
Dr. Ruff

#### Legislation Committee

Dr. Thomas – Chair  
Mr. McGhee  
Ms. Reifman

#### Continuing Education Committee

Dr. Adelman – Chair  
Dr. Thomas

#### Consumer Education Committee

Ms. Reifman – Chair  
Mr. McGhee  
Dr. Ruff  
Mr. Tan

#### Personnel Committee

Mr. McGhee – Chair  
Mr. Tan

### **b) Other President's Informational Items**

None.

## **Agenda Item # 8 - Executive Officer's Report**

### **a) Sunset Review Draft Report**

Mr. O'Connor presented the draft Sunset Review Report to the board. It was M(Ruff)/S(Tan)/C to approve the report and to delegate the authority to staff to make

necessary changes and to submit the final report to the Joint Legislative Sunset Review Committee by September 1, 2004.

**b) New DCA Chief Deputy Director**

Mr. O'Connor announced that Sherry Mehl, the former Executive Officer of the Board of Behavioral Sciences, has been appointed as the new Chief Deputy Director of the Department of Consumer Affairs.

**c) Travel Restrictions**

Mr. O'Connor reminded the board that, due to budget limitations, travel is still being restricted. He stated that travel requests have been submitted to attend two meetings of the Association of State and Provincial Psychology Boards (ASPPB). Although the requests were for two attendees from the board, Mr. O'Connor reported that he has been informed that the Department of Finance has been approving only one attendee per trip. It was M(Tan)/S(Reifman)/C that, if the trips are approved, Mr. O'Connor would attend the ASPPB meetings as the board's delegate.

VOTE: 8 Ayes

**d) Staff Update**

Mr. O'Connor announced that Karen Johnson has returned as a half-time analyst with the board's licensing program. He also informed the board that Diane Edwards has returned from maternity leave as a half-time enforcement technician. Mr. O'Connor informed the board that, due to the hiring freeze being lifted, we have been approved for two Student Assistant positions.

**e) Reminder – Board Member Training**

Mr. O'Connor reminded the board about the upcoming board member training and orientation program given by the Department for those members who have not already attended.

**f) Other Executive Officer Informational Items**

Mr. O'Connor discussed the California Performance Review report that was recently released. He informed the board that the report recommended the practice of psychology continue to be regulated; however, it also recommended that a Health and Human Services Agency be established under which the practice of psychology would be regulated.

**Agenda Item # 9 - Legal Counsel's Report**

Ms. Freedman informed the board that she is pregnant and has a due date in early October. She explained that she is planning on working as long as she can, and hopes to continue to be the Board of Psychology's legal counsel when she returns.

**Agenda Item # 10 – Regulation Update**

**a) Applications (Section 1381)**

Ms. Bradbury reported that the final rulemaking file was currently at the DCA pending approval.

**b) Pre-Licensure Training Requirements (Sections 1382.5; 1382.6)**

Ms. Bradbury reported that the final rulemaking file was currently at the DCA pending approval.

**c) Supervised Professional Experience and Registered Psychologists/Registered Psychological Assistants (Sections 1387 – 1387.7 and 1389.1 – 1391.11)**

Ms. Bradbury reported that the final rulemaking file was currently at the DCA pending approval.

**d) Distance Learning Continuing Education (Section 1397.60)**

Ms. Bradbury reported that the final rulemaking file was currently at the DCA pending approval.

**e) Continuing Education Training Requirements (Section 1397.61)**

Ms. Bradbury reported that the final rulemaking file was submitted to the Office of Administrative Law on August 12, 2004.

**f) Other Regulation Update Informational Items**

None.

**Agenda Item # 11 - Continuing Education Committee Report**

**a) Accreditation Council for Continuing Medical Education (ACCME) Courses**

The California Psychological Association submitted a proposal for the board to recognize ACCME as an entity to perform an accrediting function. It was M(Adelman)/S(Thomas)/C to request CPA to clarify that ACCME requires educational goals and learning objectives for each course in writing pursuant to section 1397.61(g)(3)(B) of title 16 of the California Code of Regulations, as well as ensures that instructors are competent and qualified pursuant to section 1397.61(g)(3)(C). Once above representations are made, CPA must have ACCME acknowledge that the representations made by CPA are accurate and that they do not object to the board taking action as requested. The motion also delegated authority to staff to proceed once the above is completed.

**b) Distance Learning Continuing Education**

The board discussed the issue of increasing the amount of continuing education that can be accrued via distance learning to 36 hours per renewal cycle. The board decided that since regulations were recently approved to increase the amount of distance learning hours allowed from eight to 18, they will keep a watch on the issue

and possibly revisit the idea in the future to determine the feasibility of allowing all continuing education to be accrued through distance learning.

**c) Other Continuing Education Update Informational Items**

The Continuing Education Committee requested that staff compile data on other state psychology boards' continuing education requirements. Once the data is collected, staff will work with the chair of the committee to compile a survey to be distributed to the other boards via ASPPB's listserve.

**Agenda Item # 12 - Credentials Committee Report**

**a) Review Plans for Supervised Professional Experience in Non-Mental Health Delivery Services**

It was M(Credentials Committee)/C to approve E.T.'s plan to accrue supervised professional experience in industrial/organizational psychology pursuant to regulation, section 1387.3(a) & (b).

The Committee determined that plan's received from L.H. and S.D. are not required since they intend to work in mental health delivery services. Regulation, section 1387.3 only applies to applicants who, once licensed, plan to practice in non-mental health delivery services.

VOTE: 8 Ayes

**b) Review Requests for Extension of 30-Consecutive Month Limit for Accrual of Supervised Professional Experience**

It was M(Credentials Committee)/C to request additional information from A.M. that would support her request for an extension of the 30-consecutive month limit to accrue 1,500 hours of post-doctoral supervised professional experience.

VOTE: 8 Ayes

**c) Other Credentials Informational Items**

**Request for Approval of Supervised Professional Experience Accrued Out-Of-Country**

It was M(Credentials Committee)/C to deny E.E.'s request to approve hours of supervised professional experience accrued in Egypt.

It was M(Credentials Committee)/C to deny V.B.'s request to approve hours of supervised professional experience accrued in Germany.

VOTE: 8 Ayes

Dr. Adelman expressed concern regarding the 30-consecutive month limit to accrue one year of supervised professional experience (SPE). Section 1387(a) of Title 16 of the California Code of Regulations defines one year of SPE to equal 1,500 hours. He requested the Committee explore the history and rationale for the time limit and discuss the issue at the November board meeting.

Dr. Adelman also expressed concern that section 1387.4 of Title 16 of the California Code of Regulations governing out-of-country experience is too restrictive. He asked the Committee to review and discuss this issue at the November board meeting.

### **Agenda Item # 13 - Regulation Hearing (10:15 AM)**

#### **a) Continuing Education Exemptions and Exceptions – Section 1397.62**

Dr. Horn conducted the hearing on the proposed changes regarding continuing education exemptions and exceptions.

It was M(Ruff)/S(Tan)/C to adopt the proposed changes.

It was M(Ruff)/S(McGhee)/C to delegate the authority to the Executive Officer to make minor, nonsubstantive changes to the proposed language and proceed with the rulemaking process.

VOTE: 8 Ayes

### **Agenda Item # 14 - Examination Committee Report**

#### **a) Examination Update – Tracy Montez, Ph.D., Chief, Office of Examination Resources**

##### **1) Occupational Analysis Workshop**

Tracy Montez, Ph.D., Chief of the Department of Consumer Affairs' Office of Examination Resources (OER) presented an update to the board regarding the expansion of the California Jurisprudence and Professional Ethics Examination (CJPPE) that would include the development of applied competency for licensure applicants. Ms. Montez stated that OER completed their analysis of *The Study of the Practice of Licensed Psychologists in the United States and Canada* released to them in October 2003. OER's analysis produced a questionnaire to be mailed to a random selection of California licensed psychologists. A group of California licensed psychologists is scheduled to meet on November 18 & 19, 2004, to review the data and determine how to integrate a higher level cognitive process into the current CJPPE. She commented that we should begin to see the expanded exam as early as July 2005.

Dr. Ruff commended Ms. Montez and the staff at OER for the outstanding work being done on the behalf of the board.

##### **2) CJPPE Workshops**

Ms. Montez provided the board with the upcoming dates for the CJPPE workshops for fiscal year 2004-05.

#### **b) Other Examination Informational Items**

None.

## **Agenda Item # 15 - Enforcement Committee Report**

### **a) Enforcement Statistics**

Fiscal year 2003/2004 statistical enforcement data was provided to the board. It was noted that there was a 36% decrease in the number of complaints received by the board. Also, noted was that the time to process initial complaint intake had increased this past fiscal year. This increase in processing time was due to temporary staff shortages and to this having been the first year board staff performed this function. The board directed staff to prepare charts/graphs to indicate current trends in enforcement, and to develop a glossary of terms for the Overview of Enforcement Statistics.

### **b) Practice Monitor Approval Process**

The board's current policy regarding practice monitor selection for probationers and a draft of instructions for becoming a practice monitor were provided to the board. Ms. Burns requested that each board member review the documents and provide feedback to her so that she could prepare a draft for finalization at the next board meeting.

### **c) Other Enforcement Informational Items**

Ms. Burns reported that the annual expert reviewer training materials for Board Expert Reviewers are to be mailed out within the next week.

## **Agenda Item # 16 - Legislation Committee Report**

### **a) AB 320 (Correa)**

Dr. Thomas reported that AB 320 would prohibit a licensee, or an entity acting on behalf of a licensee, from inserting a provision in a settlement agreement in a civil matter that prohibits the plaintiff from subsequently contacting, filing a complaint, or cooperating with the board, or that requires the plaintiff to withdraw an existing complaint from the board. A licensee in violation of these provisions would be subject to disciplinary action by the board. He indicated that the Department of Consumer Affairs has taken a "support" position on this bill.

### **b) AB 2182 (Koretz)**

Dr. Thomas reported that AB 2182 revises the definition of a "professional person" in section 6929 of the Family Code to include, among others, a psychological assistant when appropriately employed and supervised pursuant to section 2913 of the Business and Professions Code. This statute is regarding the diagnosis and treatment of minors 12 and over for drug or alcohol related problems. He informed the board that this bill was chaptered on June 23, 2004.

### **c) SB 598 (Machado)**



Dr. Thomas reported that existing law prohibits providers of health care, health care service plans, and contractors from releasing medical information to persons authorized by law to receive that information if the information specifically relates to a patient's participation in outpatient treatment with a psychotherapist, unless the requester of the information submits a specified written request for the information to the patient and to the provider of health care, health care service plans, or contractor. SB 598 would except from those provisions specified disclosures that are made for the purpose of diagnosis or treatment of a patient.

Ms. Freedman added that it appears that Civil Code section 56.104 (the section that requires the specific information be identified in the request) appears to have been trying to limit disclosures about a patient, but it probably had an unintended consequence of unnecessarily restricting access to subsequent treatment providers, and this bill is attempting to cure that consequence.

**d) SB 1913 (Senate B & P Committee)**

Dr. Thomas reported that SB 1913 is an omnibus bill to clean up and update existing outdated language and to add new language as required.

**e) Other Legislation Informational Items**

None.

**Agenda Item # 17 - Consumer Education Committee Report**

**a) Website Statistics**

Ms. Reifman provided the board with statistics regarding the usage of its website.

**b) BOP Update #12 – Articles Needed**

Ms. Reifman reported that articles are needed for the next edition of the BOP Update. Currently, Emil Rodolfa is writing an article on human diversity issues as it relates to lesbian, gay, bisexual and transgendered populations. Ms. Reifman also recommended that we include an update on the development of the examination as well as excerpts from the Sunset Review report.

Mr. O'Connor informed the board that due to the Sunset Review process, he doesn't expect to have the newsletter completed until early next year.

**c) Other Consumer Education Informational Items**

Ms. Reifman stated that, as part of consumer outreach, she would like to disseminate board publications such as the consumer brochure to community-based organizations. She would also like to give these organizations the opportunity to translate the publications into the languages spoken by their clients. Ms. Reifman requested staff to research this issue to come up with a list of community-based organizations.

**Agenda Item # 18 - Public Comment**

None.

It was M(Ruff)/S(McGhee)/C to adjourn. The open session meeting adjourned at 11:20 am.

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Jacqueline Horn, Ph.D.  
President

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Date